

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

**FILED**  
DISTRICT COURT OF GUAM

MAGISTRATE MINUTES

SEP 13 2005

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. MJ-05-00045-001

DATE: September 13, 2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Law Clerk: Judith Hattori

Court Recorder: Jamie M. Phelps

Courtroom Deputy: Lellani Toves Hernandez

Hearing Electronically Recorded: 1:35:54 - 1:46:50

CSO: B. Benavente

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: JUSTIN KEITH GUERRERO

ATTY : CURTIS VAN DE VELD

(X) PRESENT ( ) CUSTODY ( ) BOND ( ) P.R.

(X) PRESENT ( ) RETAINED ( ) FPD (X) CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT: DANNY CHO, D.E.A.

U.S. PROBATION: JUDY OCAMPO

U.S. MARSHAL: WALTER GRAY

\*\*\*\*\* PROCEEDINGS: INITIAL APPEARANCE AND ARRAIGNMENT \*\*\*\*\*

( ) COMPLAINT READ TO DEFENDANT

(X) FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: CURTIS VAN DE VELD, ATTORNEY APPOINTED

(X) DEFENDANT SWORN AND EXAMINED: AGE: \_\_\_\_\_ SCHOOL COMPLETED: 9<sup>th</sup> grade

(X) DEFENDANT ARRAIGNED AND ADVISED OF THEIR RIGHTS, CHARGES AND PENALTIES

(X) COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION

(X) DEFENDANT WAIVED READING OF ( ) COMPLAINT (X) INFORMATION ( ) INDICTMENT

(X) DEFENDANT ENTERED: NOT GUILTY PLEA TO THE CHARGES IN THE INFORMATION

( ) COUNT(S) \_\_\_\_\_ DISMISSED ON GOVERNMENT'S MOTION

( ) PLEA AGREEMENT FILED: \_\_\_\_\_ PLEA: ( ) ACCEPTED ( ) REJECTED

( ) COURT ORDERS PLEA AGREEMENT SEALED

( ) COURT REJECTS PLEA AGREEMENT AND REFERS IT TO: \_\_\_\_\_ FOR RECOMMENDATION.

(X) TRIAL SET FOR: NOVEMBER 8, 2005 AT 9:30 A.M.

(X) DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)

( ) DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR ( ) PROCESSING ( ) DETENTION

( ) DETENTION HEARING REQUESTED BY \_ GOV'T \_ DEFT IS SET FOR: \_\_\_\_\_ at \_\_\_\_\_

( ) DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

NOTES:

The Court stated that the Pretrial Services Report recommended release of the defendant with conditions.

Defense objected to condition "O" the "any" alcohol condition and random testing and argued his reasons. The

Court modified the condition to read "excessive" alcohol, however, kept the condition regarding alcohol testing.

Accordingly, the Court released the defendant and admonished him to abide by his conditions of release.

Courtroom Deputy: \_\_\_\_\_

**Additional Conditions of Release**

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:

(Name of person or organization) \_\_\_\_\_

(Address) \_\_\_\_\_

(City and state) \_\_\_\_\_

(Tel. No.) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_

Custodian or Proxy

Date \_\_\_\_\_

( X ) (7) The defendant shall:

( X ) (a) report to the U.S. PROBATION OFFICE for supervision ,

telephone number (671) 473-9201 , not later as directed.

( ) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \_\_\_\_\_

( ) (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described \_\_\_\_\_

( ) (d) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_ .

( X ) (e) maintain or actively seek employment or maintain or commence an education program

( ) (f) maintain or commence an education program.

( X ) (g) surrender any passport to: Clerk of Court, U.S. District Court of Guam, 4<sup>th</sup> Floor, U.S. Courthouse, 520 West Soledad Avenue, Hagatna, GU 96910

( X ) (h) obtain no passport.

( X ) (i) abide by the following restrictions on personal association, place of abode, or travel:

Stay away from all ports on entry or exit.

( ) (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: \_\_\_\_\_

( ) (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: \_\_\_\_\_

( ) (l) return to custody each (week) day as of \_\_\_\_\_ o'clock after being released each (week) day as of \_\_\_\_\_ o'clock for employment, schooling, or the following limited purpose(s): \_\_\_\_\_

( ) (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

( X ) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

( X ) (o) refrain from ( x ) any ( ) excessive use of alcohol.

( X ) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

( X ) (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

( ) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

( ) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

( ) (t) participate in one of the following home confinement program components and abide by all the requirements of the program which ( ) will or ( ) will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_ , or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

( ) (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

( ) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

( X ) (v) Not leave the Territory of Guam without the permission of the U.S. Probation Office and the Court.

Submit to alcohol testing as approved by the U.S. Probation Office

( X ) (w) Maintain residence and not change residence without the permission of the U.S. Probation Office

( ) (x) \_\_\_\_\_